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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

ADVANCED TELEVISION SYSTEMS  
AND THEIR IMPACT UPON THE  
EXISTING TELEVISION BROADCAST  
SERVICE

MM Docket No. 87-268

To: The Commission

COMMENTS IN RESPONSE TO DECEMBER 2, 1997 PUBLIC NOTICE

The Pennsylvania State University (the "University"), the licensee of noncommercial, educational television broadcast station WPSX (TV), NTSC Channel \*3 in Clearfield, Pennsylvania, by its undersigned attorney, respectfully submits these Comments in response to the Commission's December 2, 1997 Public Notice (the "Public Notice") <sup>1/</sup> inviting responses to the November 20, 1997 *ex parte* submission on behalf of the Association for Maximum Service Television, Inc. ("MSTV") and the November 25, 1997 *ex parte* submission on behalf of the Association of Local Television Stations ("ALTV") in this proceeding.

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The Public Notice is entitled, "FCC Seeks Comment on Filings Addressing Digital TV Allotments."

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1. MSTV's *ex parte* submission purports to address a recently-discovered problem with the Table of Allotments for Digital Television Broadcast Stations set forth in the Commission's Sixth Report and Order in this proceeding,<sup>2/</sup> namely adjacent-channel interference among and between digital television ("DTV") broadcast station channels. However, the University is deeply troubled by the fact that MSTV's *ex parte* submission proposes to aggravate a problem for WPSX (TV) that the Sixth Report and Order first created. That problem, originally identified in the University's Petition for Partial Reconsideration of the Sixth Report and Order,<sup>3/</sup> is the fact that WPSX (TV) was given a UHF DTV channel in the Sixth Report and Order -- Channel 15 -- to be paired with WPSX (TV)'s existing NTSC VHF channel (Channel \*3), under circumstances where both the station and its audience will suffer. MSTV's *ex parte* submission would substitute for Channel 15 an even less desirable UHF DTV channel -- Channel 49 -- to be paired with WPSX (TV)'s NTSC Channel \*3. In short, rather than attempting to address and resolve the University's concerns as expressed in the University's Petition for Partial Reconsideration of the Sixth Report and Order, MSTV's *ex parte* submission makes the situation even worse.

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<sup>2/</sup> FCC 97-115, adopted April 3, 1997 and released April 21, 1997.


<sup>3/</sup> The University's Petition for Partial Reconsideration of the Sixth Report and Order was timely filed with the Commission on June 12, 1997. A copy of the Petition for Partial Reconsideration is attached to these Comments, as Appendix A.

2. As the University's Petition for Partial Reconsideration notes, Channel 15 is predicted to replicate service to only 97.3% of the population currently served by Channel \*3. MSTV's *ex parte* submission's proposal to substitute Channel 49 for Channel 15 would result in even less replication-- 93.8%. In either event, for the reasons pointed out in the University's Petition for Partial Reconsideration, actual replication will likely be far less than that predicted in the Sixth Report and Order or in MSTV's *ex parte* submission. The topography of the area served by WPSX (TV) includes hills, ridges, and valleys, rendering it more difficult for a UHF signal to penetrate the lower-lying areas where viewers reside than for a VHF signal. A disproportionately-high percentage of the station's viewership resides at the outer edges of WPSX (TV)'s predicted Grade B field-intensity contour, with the consequence that even relatively minor shortfalls in the reach of the station's signal could result in significantly higher shortfalls in population coverage. Finally, given the University's status as a not-for-profit educational institution operating with limited public and donated funds, the higher costs associated with operating a UHF facility over a VHF facility would inflict particular damage upon the University's budget and could force the diversion to facility expenses of resources that have heretofore supported other aspects of the station's operations, including programming. A DTV UHF channel allotment on Channel 49 would make these problems even worse than they would be with a DTV UHF channel allotment on Channel 15.

3. As noted in the University's Petition for Partial Reconsideration, the Sixth Further Notice of Proposed Rule Making in this proceeding <sup>4/</sup> proposed to allot a VHF DTV channel to Clearfield -- Channel 7 -- as WPSX (TV)'s paired DTV channel allotment. Neither the Sixth Report and Order, nor MSTV's *ex parte* submission, has addressed the University's plea that a VHF DTV channel allotment -- such as, but not necessarily, Channel 7 -- would address the unique concerns of the University in its operation of WPSX (TV). To that extent, the University reiterates the concerns expressed in the Petition for Partial Reconsideration and urges the Commission to reject *pro tanto* that portion of MSTV's *ex parte* submission that proposes to allot Channel 49 to Clearfield as WPSX (TV)'s paired DTV channel.

Respectfully submitted,

**THE PENNSYLVANIA STATE UNIVERSITY**

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December 17, 1997

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<sup>4/</sup> 11 FCC Rcd 10968 (1996).

## **APPENDIX A**

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
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ADVANCED TELEVISION SYSTEMS )  
AND THEIR IMPACT UPON THE )  
EXISTING TELEVISION )  
BROADCAST SERVICE )  
)

MM Docket No. 87-268

To: The Commission

THE PENNSYLVANIA STATE UNIVERSITY'S  
PETITION FOR PARTIAL RECONSIDERATION

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Federal Communications Commission  
Office of Secretary

The Pennsylvania State University (the "University"), by its undersigned counsel and pursuant to 47 U.S.C. Section 405 (1996) and 47 C.F.R. Section 1.429 (1996), hereby respectfully submits this Petition for Partial Reconsideration of the Commission's Sixth Report and Order in the above-referenced proceeding (the "Sixth Report"). <sup>1/</sup> In support, the University respectfully offers the following:

1/ Sixth Report and Order in MM Docket No. 87-268, In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, FCC 97-115, adopted on April 3, 1997 and released on April 21, 1997, 12 FCC Rcd \_\_\_\_\_.

1. This Petition is timely filed, within 30 days of the publication in the Federal Register of public notice of the Sixth Report. 62 Fed. Reg. 26683 (published on May 14, 1997). See 47 C.F.R. Sections 1.429(d) and 1.4(b)(1) (1996).

2. The University holds a license from the Commission to operate noncommercial, educational television broadcast station WPSX-TV on reserved National Television Systems Committee ("NTSC") Channel \*3, allotted to Clearfield, Pennsylvania. WPSX-TV provides the only over-the-air noncommercial, educational television programming that is available to many of the residents of WPSX-TV's service area.

3. The Sixth Report allotted digital television broadcast ("DTV") Channel 15 to be "paired" with WPSX-TV's NTSC Channel \*3. Sixth Report, at Table 1 (Page B-35). The University respectfully petitions the Commission to reconsider the allotment of UHF-band Channel 15 as WPSX-TV's paired DTV allotment, and instead to allot VHF-band Channel

7, or another suitable VHF-band DTV channel, as WPSX-TV's paired DTV allotment. <sup>2/</sup>

4. The University believes that the public interest would be better served by allotting a VHF-band DTV channel as WPSX-TV's paired DTV allotment than by allotting Channel 15 as WPSX-TV's paired DTV allotment. According to Table 1 of the Sixth Report, Channel 15 is predicted to "replicate" only 97.3% of the population currently served by WPSX-TV's NTSC Channel \*3. Sixth Report, at Table 1 (Page B-35).

5. The University respectfully submits that certain unique circumstances affecting WPSX-TV's service area will result in even less replication of population served by the station than is predicted in the Sixth Report. In the first instance, the topography of the area served by WPSX-TV features numerous hills, ridges, and valleys, with the result that the signal propagation characteristics of UHF-band transmissions may not be adequate to reach viewers dwelling within the valleys.

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<sup>2/</sup> Channel 7 was the paired DTV allotment for WPSX-TV's NTSC Channel \*3 in the Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10968, 11048 (1996).



6. Secondly, significant portions of the population served by WPSX-TV's NTSC Channel \*3 reside at the outer edges of the station's predicted Grade B field-intensity signal coverage contour. Again, given the limitations of UHF-band signal propagation, the University fears that operation of WPSX-TV's DTV channel in the UHF band may disenfranchise members of the station's current viewership who happen to live at the extremities of the station's current service area.

7. Lastly, as the licensee of a noncommercial, educational television station whose operations are supported by public funding and private generosity, the University is acutely concerned that it act as a careful and conservative steward of its limited financial resources. The Commission is well aware that the costs of operating a UHF-band station's transmitter significantly exceed the costs of operating a VHF-band station's transmitter having the same coverage as the UHF station. The University believes that the long-term financial health of its noncommercial, educational television service to the public of Central Pennsylvania will be better served by affording WPSX-TV's paired DTV channel every opportunity to control

its operating costs and conserve its finite financial resources.


8. The Sixth Further Notice of Proposed Rule Making, Footnote 2, supra, allotted a VHF-band DTV channel to be paired with WPSX-TV's NTSC Channel \*3. The University submits that that was a wise and forward-looking decision, albeit a tentative one. The Sixth Report reversed course and allotted a UHF-band DTV channel to be paired with NTSC Channel \*3. For the reasons that are set forth above, the University submits that that decision did not take into account the particular circumstances of WPSX-TV's situation. Therefore, the University urges the Commission to reconsider the Sixth Report and to allot a VHF-band DTV channel to be paired with NTSC Channel \*3. Although Channel 7, which was the tentative selection in the Sixth Further Notice of Proposed Rule Making, may not be suitable, the University believes that the Commission can find another suitable VHF-band DTV allotment to pair with NTSC Channel \*3. <sup>3/</sup>

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<sup>3/</sup> Neither the University nor its consulting broadcast engineers currently have access to the computer software or the underlying assumptions that the Commission used to construct the Table of DTV Channel Allotments set forth in Table 1 of the Sixth Report. Therefore, through no fault of its own, the University is at a loss to recommend a specific VHF-band DTV channel allotment that could be paired with NTSC  
(continued...)

Respectfully submitted,

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June 12, 1997

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3/ (...continued)

Channel \*3. However, the University believes that the Commission, utilizing the computer programs and the assumptions that were used to construct Table 1 of the Sixth Report, can find a suitable VHF-band DTV channel allotment that could be paired with NTSC Channel \*3. In the event that the University or its consulting broadcast engineers come into possession of information sufficient to enable them to perform a channel availability study for the Table of DTV Channel Allotments, the University reserves the right to supplement this Petition for Partial Reconsideration with a specific recommendation for a VHF-band DTV allotment that could be paired with NTSC Channel \*3.